

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DIANA KELLY,

Plaintiff,

v.

**1:10-CV-949
(MAD/DEP)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

NEWELL, KLINGEBIEL LAW FIRM
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Attorney for Plaintiff

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Joanne Jackson, Esq.

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Region II
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Attorney for Defendant

Stephen P. Conte, Esq.
Special Assistant U.S. Attorney

MAE A. D'AGOSTINO, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 5th day of December 2011. Following fourteen (14) days from

the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Commissioner is granted judgment on the pleadings and Plaintiff's motion for judgment on the pleadings is denied.
3. The Clerk is directed to close the case and enter judgment accordingly.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 23, 2011
Albany, New York


Mae A. D'Agostino
U.S. District Judge